



JANE SWIFT
Governor

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Central Regional Office, 627 Main Street, Worcester, MA 01608

SDMS DocID 556410

Superfund Records Center

SITE: Covitch Property

AREA: 1.5

OTHER: 556410

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

The Shop at Whitinsville
One Main Street
Whitinsville, MA 01588

Attention: Leonard Jolles
Property Manager

Re: CRWSC - Northbridge
Shop Portion of Covitch Property
One Main Street

RTN 2-00112
NON-CE-02-3017

APR 29 2002

**INTERIM DEADLINE
NOTICE OF AUDIT FINDINGS
NOTICE OF NONCOMPLIANCE**

Dear Mr. Jolles,

On December 5, 2001, The Shop at Whitinsville (hereafter referred to as you/your) was notified that the Massachusetts Department of Environmental Protection (the Department) had begun to audit response actions conducted to address the release of oil and hazardous material at the location identified above. In particular, the audit focused on the results of a 1986 soil removal action and groundwater treatment program at this site, an October 1997 supplemental Phase I and accompanying Response Action Outcome (RAO). This notice informs you of the results of the Department's audit.

DETERMINATION

RAO Violation Identified which does not Require Correction

The Department identified a violation of applicable requirements of the Massachusetts Contingency Plan (MCP) in the actions audited, but were corrected. Therefore, no additional actions are necessary for this violation at this time. The Audit Memorandum (attached) describes the activities Department personnel performed during the audit, summarizes relevant site information, and lists the violations that you have already corrected.

Although the Department is not requiring additional actions to address the violation(s) identified in the Audit Memorandum, the Department may include this violation to establish a pattern of noncompliance if future enforcement actions are pursued.

RAO Violations Identified which Require Correction

As a result of the audit, the Department has determined that response actions were not performed in compliance with the requirements of the Massachusetts Contingency Plan (MCP). Violations were identified that require additional actions to be taken under the supervision of a Licensed Site Professional (LSP) in order to come into compliance with the MCP. The additional actions must be taken within the deadline established in the Notice of Noncompliance.

The actions that are in noncompliance the additional actions the Department wants you to take to come into compliance are described in the attached Notice of Noncompliance. The Notice of Noncompliance describes: (1) each activity identified during the audit which is in noncompliance, (2) the requirements violated, (3) the action the Department now wants you to take, and (4) the deadline for taking this action. An administrative penalty may be assessed for every day from now on that you are in noncompliance. The attached Audit Memorandum describes the activities Department personnel performed during the audit and summarizes relevant site information.

A written Audit Follow-up Plan must be submitted to the Department in accordance with 310 CMR 40.1160. The Audit Follow-up Plan must set forth how and when you propose to confirm, demonstrate or achieve compliance with M.G.L. c.21E, the MCP and any other applicable requirements. To avoid enforcement actions, you must submit the Audit Follow-up Plan by no later than the deadline specified in the Notice of Non-compliance and the form established by the Department (BWSC Transmittal Form 111) for said purpose. A copy of the Audit Follow-up Plan Transmittal Form (BWSC-111) is attached.

Pursuant to 310 CMR 40.1160(4), the Department has ninety (90) days to approve the Audit Follow-up Plan. In approving the Audit Follow-up Plan, the Department may: (a) establish conditions, including but not limited to conditions setting forth the Department's role in overseeing elements of the Plan; (b) establish Interim Deadlines; (c) establish requirements for documentation and/or submittal information; and (d) take any other actions authorized by M.G.L. c. 21E, 310 CMR 40.0000, or any other applicable law. If you do not receive written approval from the Department within ninety (90) days, your plan is considered approved and you should proceed to implement the plan as proposed.

AUL Error Identified which Require Correction

One error was identified in the Notice of AUL, which was implemented at the site to maintain a condition of No Significant Risk. The enclosed attachment describes the AUL Compliance Review, the error identified and the required steps for correction. You do not need Department approval to correct the AUL error. However, you must provide documentation that you have taken the specified action and corrected the error within **180 days** of the date of this Notice.

This deadline is hereby established as an Interim Deadline pursuant to the Department's authority under M.G.L. Chapter 21E, Section 3(j) and 310 CMR 40.0167 and 310 CMR 40.1140.

Post Audit Completion Statement Required

When both the RAO Violations and the AUL Error are corrected, you should submit to the Department a Post-Audit Completion Statement in accordance with 310 CMR 40.1170. The Post Audit Completion Statement shall be submitted on a form established by the Department to the attention of Greg Root. A copy of the Post Audit Completion Statement (BWSC-111) is attached.

DO NOT IGNORE THIS NOTICE. Failure to address the violations and provide documentation of such action to the Department may subject you and your officers to enforcement action by the Department. The Department may conduct a follow-up audit to determine whether the required response action has been taken.

LICENSED SITE PROFESSIONAL

A copy of this notice has been sent to Caron Koll, LSP #6889; the LSP-of-Record for the Disposal site. However, you, not your LSP, are responsible for correction of any identified violations and/or errors.

LIMITATIONS

The Department's findings were based upon the certainty of the information reviewed during the audit. These findings do not: (1) apply to actions or other aspects of the site that were not reviewed in the audit, (2) preclude future audits of past, current, or future actions at the site, (3) in any way constitute a release from any liability, obligation, action or penalty under M.G.L. c. 21E, 310 CMR 40.0000, or any other law, regulation, or requirement, or (4) limit the Department's authority to take or arrange, or to require any Responsible Party or Potentially Responsible Party to perform, any response action authorized by M.G.L. c. 21E which the Department deems necessary to protect health, safety, public welfare, or the environment.

If you have any questions regarding this Notice or any requirements contained in it, please contact Greg Root at 508-849-4017. Please reference the Release Tracking Number 2-00112 in any future correspondence to the Department regarding the site.

Sincerely,



APR 29 2002

Mark Baldi
Acting Section Chief
Audits/Site Management
Bureau of Waste Site Cleanup

0112-noaf

Attachments: Notice of Noncompliance
Audit Memorandum
Audit Follow-up Plan Transmittal Form & Post-Audit Completion Statement (BWSC-111)
AUL Correction Form and Instructions (ratification)
LSP Opinion Form for AUL Corrections (BWSC 114S)

cc : w/ NON and Memorandum:

Town of Northbridge, Board of Selectmen
Town of Northbridge, Board of Health
Caron Koll, LSP-of-Record LSP #6889 (all attachments)
Gail Helfrick, Quantum Management Group, Inc., 2365A State Highway 33
Robbinsville, New Jersey 08691
Dan Keefe, DEP-Boston, MSCA
Alan Kania, DEP-Boston, MSCA
Nancy Smith, U.S. Environmental Protection Agency, 1 Congress Street,
Suite 1100 (HBS), Boston, MA 02114
Thomas M. Potter, Audit Coordinator, DEP-Boston
Jim Moody, DEP-CERO
Data Entry: [AUL/ACTAUD AUDCO/NAFNON]

AUDIT MEMORANDUM

RTN 2-00112
Covitch Property
1 Main Street, Northbridge

I. AUDIT ACTIVITIES

The audit consists of the following activities:

- An examination of documents within the Department's records or in other public records.
- A Notice of Audit dated December 5, 2001
- A Site Inspection on January 23, 2002.

II. SITE SUMMARY

The site comprises 32 acres along the Mumford River on the north bank. The former mill buildings are now leased to a variety of light industrial and commercial tenants. Historically the Whitin Machine Works produced textile machines from 1837 to 1979 and then produced graphic arts machines until 1982. Residences are adjacent to the facility, however the nearest school is approximately ½ mile from the site.

Basic regulatory chronology:

Notice of Responsibility Issued	April 30, 1985
Phase I report, Tier II Classification	March 12, 1997
LSP Evaluation Opinion	April 7, 1997
Activity and Use Limitation	October 28, 1997
Response Action Outcome	October 31, 1997

Historical file review, site inspections, surficial soil samples and groundwater samples were conducted to assess the Shop property site.

A visual inspection of the above ground and underground storage tanks took place for the Phase I investigation in order to look for oil staining. Soil samples were collected around one above-ground storage tank. The composited sample contained extractable petroleum hydrocarbons but at levels below S-2 Method 1 cleanup standards.

A site inspection on nineteen (19) transformer locations was conducted in May 1996. Three transformers displayed evidence of possible leakage, thus, soil samples were collected. One soil sample (Trans 110) collected from within a building contained 400,000 ug/kg Arochlor-1260. The report indicated the soil was simply dirt on a concrete floor. The consultant stated that because this was contained within a building, it was not subject to the MCP, rather it comes under the jurisdiction of the Toxic Substances Control Act (TSCA). The RAO indicates that it was cleaned up under TSCA.

In 1985, fifteen (15) overburden groundwater monitoring were installed at the site. Soil samples were collected at the same time. Eight geoprobe wells were installed in December 1996. Oil and grease was found at levels up to 13,000 mg/kg and arsenic up to 98 mg/kg in soil beneath pavement. Groundwater results included total volatile organic compounds but at levels not requiring notification.

Historical information indicates that foundry ash/coal ash was deposited on the Shop property, and also on the south shore of the Mumford River near Douglas Road. The Douglas Road deposition area was not considered part of the site by the LSP because it is not contiguous with 1 Main Street property. Two surficial soil samples were collected from the ash disposal area at 1 Main Street; where one contained 1,000 mg/kg chromium. This level matches the applicable S-1 reportable concentration, but is below the S-2 reportable concentration of 2,500 mg/kg. The LSP stated that it was not subject to MCP notification because it was attributed to coal ash. There was no reported remediation of the ash disposal area. It does not appear that enough characterization was conducted to determine that the chromium presence could be attributed to background concentrations in coal ash. The chromium presence may be due to electroplating operation waste.

Identification of source areas

Areas identified as sources include the ash disposal area, transformers and the former raceway, which is where petroleum contamination was discovered.

Soil samples collected in 1985 have revealed the presence of priority pollutant metals, however, only arsenic exceed S-2 reportable concentrations with concentrations between 66 and 98 mg/kg in three samples from the same boring (AP-4), but different depths. These samples were collected in the raceway area. Borings GP-2, GP-4 and GP-6 contained total petroleum hydrocarbons (TPH) from 3,500 to 13,000 mg/kg and are indicative of petroleum contamination in the raceway area. A Short Term Measure, consisting of groundwater extraction and treatment was conducted, beginning in 1986 in the raceway area to remove petroleum hydrocarbons and volatile organic compounds (VOCs). The influent groundwater VOCs reached a maximum of 748 ug/L in June 1986.

Soil at the site consists of brown or gray fine cinders, some sand and gravel, little to some silt, and few cobbles and boulders. In some places refusal was reached near 11 feet, but in some borings, no refusal was encountered down to 14 feet. The cinders are evidence of historic filling. There was little change spatially or over depth. The investigation report indicates that groundwater depth is located approximately from 6 -9 feet below grade and that it flows toward the Mumford River.

Remediation

The Phase I report indicates that 19 transformers were present at the site. An inspection revealed potential leaks from three of the transformers. The report contains manifests documenting removal of PCB liquid.

An air stripper was used to remove chlorinated volatile organic compounds (CVOCs) and other volatiles as the treatment portion of a remedial system installed in 1986. It reached its maximum VOC concentration in the first month of operation and levels declined thereafter for the next eight months. No data is available after February 1987 when the influent groundwater concentration was 41 ug/L. This appears to be the month when shut-down of the system occurred.

Confirmatory samples collected in 1996 indicated trace levels of petroleum in groundwater. Volatile organics were not detected or trace levels.

II (a). Risk Characterization

A combined Method 1 and 2 risk characterization was used to evaluate soil and groundwater contamination in the Building 9 raceway area, the AST area and transformer locations. Soil category S-2 was used to evaluate soil exposure potential and GW-2 and GW-3 categories were used for groundwater contamination. Exposure Point Concentrations were presented for groundwater in the raceway area (well RW-1 only), but not in the soil medium, and for soil in the AST area, but not for groundwater. There is no technical justification given for not including the other media.

There is no feasibility evaluation included in the risk characterization for the potential to achieve background conditions. The Mumford River was identified as an ecological receptor, however, no surface water or sediment investigation was conducted.

II (b). Activity & Use Limitations

An Activity and Use Limitation was received by the Department on November 4, 1997. It pertains to the Building 9 raceway area and permits uses consistent with current industrial/commercial use and also permits utility maintenance. It prohibits permanent removal of pavement, activities that may cause damage to the integrity of the pavement, and "use as a residence, school, day care or playground where children would likely be present." The single obligation is to maintain the pavement.

AUL Compliance Review Summary

The Department has established special procedures for reviewing AULs recorded on or before October 29, 1999, including the AUL Notice instrument submitted as part of the Response Action Outcome (RAO) for your site. Please note that these procedures do not apply to AULs recorded on or after October 30, 1999, and this summary of AUL Compliance Review should not be relied upon to predict audit results for such AULs.

Applying the procedures described above, the Department has identified an error in the AUL Notice instrument that require correction. Specifically:

1. The AUL does not adequately define the boundaries of the restricted area. The sketch

plan recorded as an exhibit to the AUL is, on record, illegible. A full size plan was submitted to the Department, however it must be filed as a plan at the Registry of Deeds in order to adequately define the boundaries of the restricted area.

To correct this error, you must implement a Ratification of Notice of Activity and Use Limitation within 180 days of the date of this letter, using the enclosed form and instructions. Alternatively, you may submit a new Response Action Outcome (RAO) Statement within **180 days** of the date of this letter, documenting the achievement of a Class A-1, A-2 or B-1 RAO at the site (i.e. an RAO that does not rely on an AUL to maintain a level of No Significant Risk). **This is an enforceable Interim Deadline** issued pursuant to M.G.L. c. 21E, 310 CMR 40.0167 and 310 CMR 40.1140. If you do not meet this deadline you will be subject to enforcement action by the Department. Please note that this deadline relates only to AUL corrections.

The Department has prepared forms and detailed instructions for implementing the required AUL corrections. Copies of the forms and instructions are attached.

If you and/or the LSP/attorney preparing your AUL corrections would like assistance in implementing the Ratification of AUL, please call Deborah Sweenor at (508) 767-2736 to schedule the meeting.

III. SITE INSPECTION

Greg Root of the Department, met Caron Koll, LSP from Blasland, Bouck and Lee, Inc., Neal Drawas, from Kroll Associates, Inc., and Leonard Jolles from The Shop at Whitinsville on site at 10:00 am on January 23, 2002 for the purpose of inspecting site conditions as they relate to the Response Action Outcome and Activity and Use Limitation. The group toured all of the suspected source areas to observe the current site conditions.

The raceway area is currently used as a loading dock and is paved. The pavement is presently in good condition. A number of businesses utilize the remainder of the facility not subject to the AUL for warehousing and light manufacturing and an apartment residence for the family of an employee of the Whitinsville Redevelopment Trust is maintained.

IV. DETERMINATION

On the basis of the activities performed during the Audit, and in reliance upon the accuracy of that information, the Department makes the following Determination.

A. Violations were identified that require further action

Please refer to the attached Notice of Noncompliance relative to the activities in noncompliance and the actions the Department wants you to take to come into compliance.

B. Violations were identified that do not require further action

No further steps are necessary to correct the following violation at this time. Although the Department is not requiring additional actions to address the violation identified above, the Department may use this violation to establish a pattern of noncompliance when pursuing future enforcement actions.

Violation of 310 CMR 40.0636(3)(a)(Class II) – Failure to submit a timely LSP Evaluation Opinion.

A Tier Classification or Response Action Outcome Statement was required as of August 2, 1995, however, none was received until March 12, 1997.

V. COMMENTS

LSP has acknowledged unintentional omissions in supplemental Phase I/risk characterization/RAO (tables of exposure point concentrations) and include them with other information required for the attached NON.